



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
ALDERWOODS (VIRGINIA), INC.
FOR
THE MULLINS & THOMPSON FUNERAL SERVICE STAFFORD
FACILITY
Registration No. 40783**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Alderwoods (Virginia), Inc., regarding the Mullins & Thompson Funeral Service Stafford Facility for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Alderwoods" means Alderwoods (Virginia), Inc. a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Alderwoods (Virginia), Inc. is a "person" within the meaning of Va. Code § 10.1-1300.
2. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means the Mullins & Thompson Funeral Service Stafford Facility, located at 186 Shelton Shop Road in Stafford, Virginia.
6. "FCE" means Full Compliance Evaluation.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
10. "PCE" means Partial Compliance Evaluation.
11. "Permit" means a minor New Source Review permit to construct and operate a human crematory which was issued under the Virginia Air Pollution Control Law and the Regulations to Fredericksburg, Stafford, Spotsylvania Funeral Services, Incorporated on October 4, 1989, and amended and issued to Alderwoods (Virginia), Inc. on September 27, 2012.
12. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Alderwoods owns and operates the Facility in Stafford, Virginia. The Facility is a human crematory. The Facility is the subject of the Permit which allows Alderwoods to construct and operate a human crematory.

2. On December 12, 2017, DEQ conducted a FCE at the Facility. DEQ staff observed the following:
 - a. Alderwoods staff reported that the Facility starts the burn cycle when the secondary chamber temperature reaches 800 degrees.
 - b. Alderwoods staff produced records that indicated that staff at the Facility burns cases for two hours regardless of the weight of the charge.
 - c. Alderwoods staff could not provide evidence that the unit has an interlock system.
 - d. The Facility's crematory unit is equipped with an automatic thermostat but does not maintain the minimum secondary chamber of 1200 degrees.
 - e. Alderwoods staff could not produce a log of observations of the process control monitoring device used to continuously measure the secondary chamber temperature.
 - f. Alderwoods staff was unable to provide evidence to demonstrate compliance with permitted emissions limits.
3. Permit Condition 3 states- Chamber Temperatures- The minimum secondary chamber temperature shall be operated at no less than 1200 degrees Fahrenheit when the unit is in operation, except when feeding with human remains.
4. Permit Condition 7 states Burn-Down Cycle- The crematory unit shall remain in operation Until such time that no combustible materials are left on the hearth. In no event shall this Be less than the time required to destroy any visible and odorous emissions. To ensure Complete combustion, the burn time shall be no less than the result of dividing the weight of the charge (in pounds) by the crematory unit capacity (100 pounds per hour).
5. Permit Condition 8 states- Interlock System- The crematory unit shall be equipped with either of the following:
 - a. An interlock system to prevent primary burner ignition prior to attaining the minimum secondary chamber temperature of 1200 degrees Fahrenheit; or,
 - b. An interlock system that prevents primary burner ignition unless the secondary burner is firing coupled with a timer that is set to delay primary burner ignition until the secondary chamber has been preheated to a minimum of 1200 degrees Fahrenheit.

The interlock system and timer, as applicable, shall be used each time the crematory unit is operated.

6. Condition 11 states- Monitoring Device Observation - To ensure proper performance, the process/control monitoring device used to continuously measure the secondary chamber temperature shall be observed by the permittee with a frequency of not less

than once per burn-down cycle. The permittee shall keep a log of the observations from the process/control monitoring device. See Condition 18 for record keeping requirements.

7. Condition 18 states On Site Records - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. These records shall include, but are not limited to:

- a. An operating log for the crematory unit, which shall include:
 - i. Date of each cremation;
 - ii. Estimated weight of human remains cremated, including the bags/containers used to collect and transport the material for each cremation;
 - iii. Type of containers for each cremation;
 - iv. Start and end times for each cremation;
 - v. Crematory unit secondary chamber temperatures as required in Condition 11;
 - vi. Name of operator performing each cremation.

The permittee may use a copy of the crematory unit run log form, which is attached to this permit, or a diary or computer record that contains the same information.

- b. Daily log of total number of cases cremated each day.
- c. Monthly log of total number of cases cremated each calendar month.
- d. Scheduled and unscheduled maintenance and operator training.
- e. Results of all stack test data and visible emissions evaluations.
- f. Records to demonstrate compliance with the design specifications of Condition 4. (ie. manufacturer's specification sheets). The content and format of such records shall be arranged with the Air Compliance Manager, Northern Regional Office. These records shall be available on-site for inspection by the DEQ for the life of the source.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

8. Condition 15 states- Emission Limits- Emissions from the operation of the crematory unit Shall not exceed the limit specified below: Particulate Matter- 0.08 gr/dscf@12%CO₂.

9. On April 23, 2018, based on the observations noted by DEQ staff during the December 12, 2017 FCE, the Department issued Notice of Violation No. ANRO000894 to Mullins and Thompson Funeral Service for the violations described in paragraphs C(2) through C(8) above.
10. Based on observations noted by DEQ staff during the December 12, 2017, FCE the Board concludes that Alderwoods has violated Permit Conditions 3, 7, 8, 11, 15, and 18, as described in paragraphs C(2) through C(9), above.
11. DEQ met with a representative from the Facility on June 12, 2018 to discuss the Notice of Violation and corrective action.
12. DEQ staff conducted a follow-up PCE of the Facility on June 21, 2018. During this PCE DEQ staff confirmed that the secondary chamber was running at 1,200 degrees Fahrenheit, and Facility staff were keeping logs of the secondary chamber temperature pursuant to permit requirements. In addition, a Visible Emissions Observation was conducted by DEQ staff. DEQ staff noted that visible emissions appeared to be less than five percent, and in compliance with permitted opacity limitations.
13. In order for Alderwoods to return to compliance, DEQ staff and representatives of Alderwoods, have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Alderwoods (Virginia), Incorporated, and Alderwoods (Virginia), Incorporated agrees

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$7,312.50 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Alderwoods (Virginia), Incorporated shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in

accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Alderwoods (Virginia), Incorporated shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Alderwoods (Virginia), Incorporated for good cause shown by Alderwoods (Virginia), Incorporated or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Alderwoods (Virginia), Incorporated admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Alderwoods (Virginia), Incorporated consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Alderwoods (Virginia), Incorporated declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Alderwoods (Virginia), Incorporated to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Alderwoods (Virginia), Incorporated shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by

earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Alderwoods (Virginia), Incorporated shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Alderwoods (Virginia), Incorporated shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

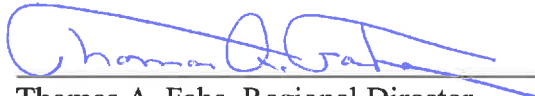
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Alderwoods (Virginia), Incorporated. Nevertheless, Alderwoods (Virginia), Incorporated agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Alderwoods (Virginia), Incorporated has completed all of the requirements of the Order;
 - b. Alderwoods (Virginia), Incorporated petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Alderwoods (Virginia), Incorporated.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Alderwoods (Virginia), Incorporated from its obligation to comply with any

statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Alderwoods (Virginia), Incorporated and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Alderwoods (Virginia), Incorporated certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Alderwoods (Virginia), Incorporated to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Alderwoods (Virginia), Incorporated.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Alderwoods (Virginia), Incorporated voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 4th day of January, ²⁰¹⁹~~2018~~.


Thomas A. Faha, Regional Director
Department of Environmental Quality

Alderwoods (Virginia), Incorporated voluntarily agrees to the issuance of this Order.

Date: January 2, 2019 By: B. Kiebert, Office Manager
(Person) (Title)
[Alderwoods (Virginia), Inc.]

Commonwealth of Virginia
City/County of Fredericksburg

The foregoing document was signed and acknowledged before me this 2 day of
January, 2019, by Barbara Kiebert who is
Office Manager of Alderwoods (Virginia), Incorporated on behalf of the
corporation.

Todd Michael Gerace
Notary Public

7715561
Registration No.

My commission expires: January 31, 2021

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Alderwoods (Virginia), Inc. shall:

1. Revise and submit the Facility's Standard Operating Procedures (SOPs) to DEQ within 30 days of execution of this Order, to comply with current permit conditions, including:
 - a. Revisions of SOPs to ensure the minimum secondary chamber temperature is operated at no less than 1200 degrees Fahrenheit when the unit is in operation, except when feeding human remains.
 - b. Revisions of SOPs to ensure that the crematory unit shall remain in operation until such time that no combustible materials are left on the hearth. In no event shall this be less than the time required to destroy any visible and odorous emissions. To ensure complete combustion, the burn time shall be no less than the result of dividing the weight of the charge (in pounds) by the crematory unit capacity (100 pounds per hour).
2. Install an interlock system to prevent primary burner ignition prior to attaining the minimum secondary chamber temperature of 1200 degrees Fahrenheit or submit a Form 7 to request a permit amendment with same intent as Condition 8 of Alderwood's current permit.
3. Comply with all record keeping requirements of the Permit. Said records shall be available to DEQ staff upon request.
4. DEQ Contact

Unless otherwise specified in this Order, Alderwoods (Virginia), Inc. shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality – NRO
Attention: Enforcement
13901 Crown Court
Woodbridge, VA 22193